

## UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT  
EASTERN DISTRICT COURT  
DAVID J. MALAND, CLERKEastern  
UNITED STATES OF AMERICA

DISTRICT OF

Texas

## GOVERNMENT EXHIBIT LIST

VS.

DAVID ALAN VOGEL

CASE NO. 4:08cr224

PRESIDING JUDGE <b>MARCIA CRONE</b>		GOVERNMENT'S ATTORNEYS Steven Buys, Kevin Collins, and Maureen Smith			DEFENDANT'S ATTORNEY Thomas Smith and James Smith
Trial Date 6/21/2010 - 6/30/2010		COURT REPORTER Tonya Jackson			COURTROOM DEPUTY Patricia Leger
GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* <b>Government's Exhibits</b>
1		6/17/10	X	X	Audio Tape conversation #1 with Dr. David Hoblit
1a		6/17/10	X	X	Transcript of Exhibit #1
2		6/17/10	X	X	120 capsules Hydrocodone obtained 11/16/06
3		6/17/10	X	X	60 capsules Alprazolam obtained 11/16/06
4		6/17/10	X	X	Audio Tape conversation #2 with Dr. David Hoblit
4a		6/17/10	X	X	Transcript of Exhibit #4
5		6/17/10	X	X	150 capsules Hydrocodone obtained 4/17/07
6		6/17/10	X	X	30 capsules Ambien obtained 4/17/07
7		6/17/10	X	X	120 capsules Hydrocodone obtained 6/28/07
8		6/17/10	X	X	238 capsules Hydrocodone obtained 10/3/07
9		6/17/10	X	X	120 capsules Hydrocodone obtained 7/31/07
10		6/17/10	X	X	120 capsules Hydrocodone obtained 7/31/07
11		6/17/10	X	X	Demonstrative chart of co-conspirators
12		6/17/10	X	X	MPC customer sign-up forms
13		6/17/10	X	X	Customer file for Paul Austraw undercover purchase
17		6/17/10	X	X	Lab Report
18		6/17/10	X	X	Lab Report
19		6/17/10	X	X	Lab Report
20		6/17/10	X	X	Lab Report
21		6/17/10	X	X	Lab Report
22		6/17/10	X	X	Lab Report

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EXHIBIT LIST (Continued)

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GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS*
23		6/22/10	X	X	Letter to Dale Sobek
24		6/17/10	X	X	Employment Contract
25		6/17/10	X	X	10/25/02 email to Tyra Barnett from David Vogel
26		6/17/10	X	X	4/17/02 email from Tyra Barnett to David Vogel
27		6/17/10	X	X	4/26/02 email from Tyra Barnett to David Vogel
28		6/17/10	X	X	5/3/02 email from Tyra Barnett to David Vogel
29		6/17/10	X	X	4/2/03 email to Tyra Barnett from David Vogel
30		6/17/10	X	X	4/14/03 email regarding Kristine Ward
32		6/17/10	X	X	6/24/04 email regarding addicted customer
33		6/17/10	X	X	11/13/03 email regarding selling prescriptions
33a		6/17/10	X	X	9/12/04 letter regarding VIPPS
34		6/17/10	X	X	1/24/05 email regarding selling prescriptions
35		6/17/10	X	X	Plea Agreement (Carrie Demers)
36		6/17/10	X	X	Statement of Facts (Carrie Demers)
37		6/17/10	X	X	1/3/07 email from Carrie Demers to David Vogel
39		6/17/10	X	X	4/13/07 email from Carrie Demers to David Vogel
40		6/17/10	X	X	4/19/07 email from Carrie Demers to David Vogel
41		6/17/10	X	X	5/2/07 email to Carrie Demers from David Vogel
42		6/17/10	X	X	5/2/07 email from Carrie Demers to David Vogel
43		6/17/10	X	X	6/1/06 email from Carrie Demers to Lawrence Schwartz
44		6/17/10	X	X	6/6/02 email from Tyra Barnett to David Vogel
45		6/17/10	X	X	11/5/07 email from David Vogel to Jonathan Vogel
46		6/17/10	X	X	10/9/07 email to Carrie Demers from David Vogel
47		6/17/10	X	X	MPC protocol and related documents
48		6/17/10	X	X	MPC protocol
49		6/17/10	X	X	3/15/06 email from Carrie Demers to David Vogel
50		6/17/10	X	X	10/1/02 MPC employee agreement regarding DEA

\*Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF WITNESSES
51		6/17/10	X	X	9/7/06 email to Carrie Demers from David Vogel
52		6/17/10	X	X	8/16/06 email from Carrie Demers to Renee Lemoine
53		6/17/10	X	X	8/16/06 email to Carrie Demers from Larry Schwartz
54		6/17/10	X	X	8/16/06 email from Lawrence Schwartz to David Vogel and Carrie Demers
55		6/17/10	X	X	12/5/05 email regarding Hydrocodone addict customer
56		6/17/10	X	X	VIPPS rejection fo MPC pharmacy
57		6/17/10	X	X	4/28/06 email from Carrie Demers to Larry Schwartz
58		6/17/10	X	X	8/29/07 email from Jonathan Vogel to David Vogel
59		6/17/10	X	X	10/1/07 email from Jonathan Vogel to Jessica McNellis
60		6/17/10	X	X	MPC customer notice
62		6/17/10	X	X	MPC spreadsheet regarding Maggie Pepe screenings
63		6/17/10	X	X	Customer file for Louis Rodriguez
64		6/17/10	X	X	Customer file for Mike Hilbert
65		6/17/10	X	X	Customer file for Jeffrey Bowers
66		6/17/10	X	X	Customer file for Jeffrey Bowers
67		6/17/10	X	X	Customer file for Katherine Moore
68		6/17/10	X	X	Customer file for Ryan Neis
69		6/17/10	X	X	Customer file for Brett Nelson
70		6/17/10	X	X	Customer file for Kristine Ward
71		6/17/10	X	X	Customer file for Danny Dickens
72		6/17/10	X	X	Customer file for Garret Anderson
73		6/17/10	X	X	Customer file for Matthew Todd
74		6/23/10	X	X	3/7/06 email from Carrie Demers to David Vogel
76		6/17/10	X	X	Plea Agreement (David L. Hoblit)
77		6/17/10	X	X	Statement of Facts (David L. Hoblit)
78		6/17/10	X	X	Handwritten note from Jonathan Vogel
79		6/17/10	X	X	Hoblit employment contract with MPC

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GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF WITNESSES
85		6/17/10	X	X	Plea Agreement (Ghassan Naddaf)
86		6/17/10	X	X	Statement of Facts (Ghassan Naddaf)
87		6/17/10	X	X	10/4/06 email from Ghassan Naddaf to David Vogel
88		6/17/10	X	X	10/9/06 email from Ghassan Naddaf to David Vogel
88a		6/17/10	X	X	10/9/06 email to Ghassan Naddaf from David Vogel
91		6/17/10	X	X	Summary Schedule of MPC Proceeds (2001-2007)
92		6/17/10	X	X	Bank Signature Card for WAMU acct # . . . 1622 (Hamilton Agency, L.L. C.)
93		6/17/10	X	X	Bank Signature Card for WAMU acct # . . . 8996 (Hamilton Agency, L.L.C.)
94		6/17/10	X	X	Summary Schedule of MPC Payments to Doctors (2001 - 2007)
95		6/17/10	X	X	Summary Schedule of MPC Payments to Pharmacies (2001 - 2007)
96		6/17/10	X	X	Summary Schedule of MPC Payments to Ancillary Providers (2002 - 2007)
97		6/17/10	X	X	Summary Schedule of MPC Payments for Advertising (2001 - 2006)
98		6/17/10	X	X	Demonstrative regarding promotion
99		6/17/10	X	X	2001 Certified Tax Records - the Hamilton Agency, LLC
100		6/17/10	X	X	2002 Certified Tax Records - the Hamilton Agency, LLC
101		6/17/10	X	X	2003 Tax Records - Hamilton Agency, L.L.C.
102		6/17/10	X	X	2004 Certified Tax Records -Hamilton Agency, L.P.
103		6/17/10	X	X	2005 Certified Tax Records -Hamilton Agency, L.P.
104		6/17/10	X	X	2006 Certified Tax Records -Hamilton Agency, L.P.
105		6/17/10	X	X	2001 Personal Tax Records - David Vogel
106		6/17/10	X	X	2002 Certified Personal Tax Records - David Vogel
107		6/17/10	X	X	2003 Certified Personal Tax Records - David Vogel
108		6/17/10	X	X	2004 Certified Personal Tax Records - David Vogel

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109		6/17/10	X	X	2005 Certified Personal Tax Records - David Vogel
110		6/17/10	X	X	2006 Personal Tax Records - David Vogel
111		6/17/10	X	X	Demonstrative regarding coin transaction
112		6/17/10	X	X	Invoice for coin purchase
113		6/17/10	X	X	Method of Payment for Coin Purchase: Wire from First Republic Bank Savings Acct # . . . 3755
114		6/17/10	X	X	First Republic Bank signature card for Acct # . . . 3755
115		6/17/10	X	X	Confirmation of wire payment into ANR Account
116		6/17/10	X	X	Bank statement reflecting payment for coin purchase
117		6/17/10	X	X	FedEx shipping record confirming shipment of coin
119		6/17/10	X	X	Demonstrative regarding condo transaction
120		6/17/10	X	X	New York City Sheriff's Office Memorandum of Sale
121		6/17/10	X	X	Title Insurance Schedule A
121a		6/17/10	X	X	Trump Tower Condominium Deed
122		6/17/10	X	X	Three Chase Bank withdrawal request slips for cashier's checks re: condo
123		6/17/10	X	X	Method of down payment one: \$157,000 Cashier's Check from Chase Acct # . . . 5965
124		6/17/10	X	X	Method of down payment one: \$190,000 Cashier's Check from Chase Acct # . . . 7765
125		6/17/10	X	X	Method of down payment one: \$510,000 Cashier's Check from Chase Acct # . . . 5901
126		6/17/10	X	X	Method of down payment one: \$200,000 Cashier's Check from WAMU Acct # . . . 1622
127		6/17/10	X	X	Method of down payment one: \$43,000 Cashier's Check from WAMU Acct # . . . 5965
128		6/17/10	X	X	Chase Bank signature cards for Accts #...5901, #...5965, #...7765
129		6/17/10	X	X	Bank statement reflecting down payment one: Chase Acct#...5965 (\$157,000)

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GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF WITNESSES
130		6/17/10	X	X	Bank statement reflecting down payment two: Chase Acct #...7765 (\$190,000)
131		6/17/10	X	X	Bank statement reflecting down payment three: Chase Acct #...5901 (\$510,000)
132		6/17/10	X	X	Bank statement reflecting down payment four: WAMU Acct #...1622 (\$200,000)
133		6/17/10	X	X	Bank statement reflecting down payment five: WAMU Acct #... 1622 (\$43,000)
135		6/17/10	X	X	Summary Schedule of Payments for Trump Tower (2004 - 2007)
136		6/17/10	X	X	Summary Schedule of Total MPC Payments to David Vogel (2001 - 2007)
137		6/17/10	X	X	First Republic Bank Master Signature Card for Acct #... 6959 and Acct #...3975
138		6/17/10	X	X	19 drug packages seized from FedEx
139		6/17/10	X	X	Lab reports fro Exhibit #138
140		6/17/10	X	X	Hamilton Agency Private Placement Memorandum
141		6/17/10	X	X	MPC E-Zine Newsletter
142		6/17/10	X	X	CTS Merchant Account Application
143		6/17/10	X	X	Discover Merchant Account Application
144		6/17/10	X	X	Correspondence from Michael Cooper to David Vogel
145		6/17/10	X	X	5/28/01 email from David Vogel
146		6/17/10	X	X	Five Hydrocodone pills
147		6/17/10	X	X	Lab report of Exhibit #146
148		6/17/10	X	X	Table of bulk Hydrocodone purchases
149		6/17/10	X	X	Graph of bulk Hydrocodone purchases
150		6/17/10	X	X	9/26/07 email from Jonathan Vogel to David Vogel
151		6/17/10	X	X	Summary schedule of Compounding Rx Apothecary prescriptions
152		6/17/10	X	X	Summary schedule of Memorial City Professional Pharmacy prescriptions

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EXHIBIT AND WITNESS LIST (Continued)

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GOVT. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF WITNESSES
153		6/17/10	X	X	Summary Schedule of MPC Transfer Payments to Various Accounts
154		6/17/10	X	X	First Republic Bank Signature Card for Acct #...7395
155		6/17/10	X	X	TD Bank North Signature Card for Acct #...2097
156		6/17/10	X	X	David Vogel MPC file
157		6/17/10	X	X	9/7/07 email from Jonathan Vogel to David Vogel
158		6/17/10	X	X	10/29/07 email from Jonathan Vogel to David Vogel
159		6/17/10	X	X	10/2/06 email from Carrie Demers to Renee Lemoine
171		6/17/10	X	X	Joint Agreed Trial Stipulations
172		6/17/10	X	X	Medisca Declaration from Eric Fox
173		6/17/10	X	X	Medisca Declaration from Jack Munn
175		6/22/10	X	X	Texas Administrative Code, Part 9, Chapter 174
176		6/25/10	X	X	Texas Intractable Pain Treatment Act
180		6/25/10	X	X	Letter from David Vogel to Mr. Cooper - 1/8/2001
181		6/25/10	X	X	Letter to David Vogel from Mr. Cooper - 1/31/2001
183		6/25/10	X	X	Letter to David Vogel from Mr. Cooper - 4/20/2001
184		6/25/10	X	X	Letter to David Vogel from Mr. Cooper - 11/8/2001
186		6/25/10	X	X	Letter to David Vogel from Mr. Cooper - 4/9/2002
187		6/25/10	X	X	Letter to David Vogel and LaDonna Carroll - 4/18/2002
190		6/25/10	X	X	Legal Issues - Madison Pain Clinic - 4/9/2002
191		6/28/10	X	X	Email from David Vogel to Douglas Grover - 9/13/07
194		6/18/10	X	X	Email from David Vogel to Jonathan Vogel - 9/4/07
195		6/28/10	X	X	Email from David Vogel to Carrie Demers - 11/8/06
196		6/28/10	X	X	Email from David Vogel to Carrie Demers - 11/7/06
197		6/28/10	X	X	Email from Jon Vogel to David Vogel - 9/12/07
199a		6/28/10	X	X	Redacted letter from David Vogel to Doug Grover
201		6/28/10	X	X	Letter Brief to Jonathan Vogel - 9/14/2007
202		6/28/10	X	X	Letter Brief to Jonathan Vogel - 9/26/2007

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EXHIBIT AND WITNESS LIST (Continued)

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